

STATE OF NEVADA



REASONABLE SUSPICION AND PRE-EMPLOYMENT ALCOHOL AND DRUG TESTING PROGRAM

Prepared by the
Department of Personnel
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ALCOHOL AND DRUG TESTING PROGRAM

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I. INTRODUCTION

No organization is immune from the many problems associated with drug and alcohol abuse. Statistics from the Department of Health and Human Services and the US Department of Labor indicate that of the estimated 12.3 million adult current drug users, 9.4 million (77 percent) work.

- Drug use in the workplace costs employers 75 to 100 billion dollars annually in lost time, accidents, health care and workers' compensation expense.
- Sixty-five percent of all accidents on the job are directly related to alcohol or drug use.
- Substance abusers are absent from work three times more often than their co-workers and use sixteen times as many health care benefits.
- Substance abusers are six times more likely to file a workers' compensation claim.
- Forty percent of industrial fatalities and forty-seven percent of industrial injuries can be linked to alcohol consumption and alcoholism.
- Substance abusers are more likely to steal from their employer and co-workers.
- Employees who are struggling with a substance abuse problem are also more likely to cause property damage and be involved in conflicts at work, including acts of violence.

The State of Nevada is committed to addressing these problems and having a drug free workplace. As you read through the following drug and alcohol testing program procedures, remember employees of this State are employed to serve the needs of our citizens in the most efficient and professional manner that they can. Alcohol and drug abuse interferes with these goals and must be addressed.

In addition to these procedures, the Department of Personnel provides training on this topic for all supervisors. The State of Nevada also offers an Employee Assistance Program to those employees who may experience an issue with alcohol and/or drug abuse to help them on the road to recovery.

II. OVERVIEW OF ALCOHOL AND DRUG TESTING PROGRAM

The Nevada Revised Statutes, NRS 284.406 through NRS 284.407, provide for the testing of employees and applicants for alcohol and drugs. Regulations have been approved by the Personnel Commission to carry out the provisions of these statutes (Appendix IV).

In accordance with State regulation, an employee who consumes or is under the influence of alcohol or who possesses, consumes or is under the influence of a controlled substance is subject to disciplinary action. With the approval of the appointing authority or their designee, a supervisor may request that an employee submit to a screening test when the supervisor has a reasonable belief, based on objective facts, that the employee is under the influence of alcohol and/or a controlled substance (see Appendix III "Report Form for Suspected Alcohol/Drug Impairment"). State statutes also provide for a screening test when a law enforcement officer discharges a firearm, other than by accident, or when an employee drives a motor vehicle in

the performance of his duties in such a manner as to cause bodily harm or substantial damage to property. An employee who refuses such a test is subject to disciplinary action up to and including termination.

Tests are administered to determine the presence of the following substances in excess of predetermined benchmarks that would violate this policy:

Substance Abuse Panel

Amphetamines
Cocaine Metabolite
Marijuana Metabolites
Opiates
Phencyclidine

Integrity Checks

Creatinine
Nitrites
pH

Further tests may be requested by the appointing authority for other controlled substances listed on Schedule I or II of the Controlled Substance Act. Specific requests for the testing of other controlled substances may be made at the time of testing or after the initial screening. Requests should be submitted promptly since a specimen is disposed of within one week following a negative test.

Whenever possible, tests for alcohol will be by a breath test administered by the Nevada Highway Patrol and may include a preliminary breath test conducted on the employer's premises. The final or confirming breath test will be conducted at one of the confirmatory test site locations (Appendix I). For assistance with testing, contact the designated Area Commander for the Nevada Highway Patrol. A Nevada Highway Patrol Officer will, at the request of the appointing authority, transport the employee to the test site for the test. In the event that an employee is transported for testing, a supervisor must accompany the employee. The Highway Patrol Officer may also provide transportation to the test site for the screening test for controlled substances. The appointing authority is by regulation responsible for transporting the employee (NAC 284.890).

An employee who tests positive the first time in a screening test for alcohol or drugs **who has committed no other acts** for which he is subject to termination must be referred to an Employee Assistance Program for evaluation (NRS 284.4062 and NAC 284.892).

Employees who test positive for alcohol or illegal use of drugs are subject to appropriate disciplinary action pursuant to NRS 284.4062, and NAC 284.638 - 284.656, and 284.884.

III. RECOGNIZING EMPLOYEE ALCOHOL/DRUG USE

Employees who abuse alcohol and/or drugs will often exhibit predictable physical and behavioral symptoms. The following guidelines are provided to assist you in recognizing employees who are under the influence of alcohol or drugs and the associated dangers of substance abuse. Report symptoms and any other supporting information that relate to your suspicion(s) using the Report Form for Suspected Alcohol/Drug Impairment (TS-77, Appendix III). If you can, have another person witness the behaviors and review your report to help substantiate your concerns and subsequent request that the employee submit to a drug test.

DRUG	PHYSICAL SYMPTOMS	LOOK FOR	DANGERS
ALCOHOL (beer, wine, liquor)	Intoxication, slurred speech, unsteady walk, relaxation, relaxed inhibitions, impaired coordination, slowed reflexes.	Smell of alcohol on clothing or breath, intoxicated behavior, hangovers, glazed eyes.	Addiction, accidents as result of impaired ability and judgment, overdose when mixed with other depressants, heart and liver damage.
COCAINE (coke, rock crack, blow, toot)	Brief intense euphoria, elevated blood pressure and heart rate, irritability, excitement, nervousness, tremors.	Glass vials, glass pipe, white crystalline powder, razor blades, syringes, needle marks.	Addiction, heart attack, seizures, lung damage, severe depression.
MARIJUANA (pot, dope, grass, weed, hash, joint)	Altered perceptions, red eyes, reduced concentration and coordination, euphoria, laughing, hunger.	Rolling papers, pipes, plastic baggies, dried plant material, odor of burnt hemp rope, roach clips.	Panic reaction, impaired short-term memory, and addiction.
PHENCYCLIDINE (PCP, angel dust, wack, dummy dust)	Altered mood, paranoia, anxiety, panic, nausea, tremors, hallucinations, emotional instability.	Capsules, tablets, "micro-dots", blotter squares, sugar cubes.	Unpredictable behavior, flashbacks, emotional instability, violent behavior (with PCP).
OPIATES Morphine, Heroin Codeine, Percocet, Vicodin (smack, horse)	Euphoria, drowsiness, insensitivity to pain, nausea, watery eyes, runny nose.	Needle marks on arms, needles, syringes, spoons, pinpoint pupils.	Addiction, lethargy, weight loss, contamination from unsterile needles (hepatitis, AIDS), accidental overdose.
AMPHETAMINES (speed, meth, crank, bam, black beauties, crystal, dexies, whites)	Anxiety, rapid speech, irritability, increased blood pressure, loss of appetite, tremors, disorientation, mood elevation.	Tablets of varying colors, irritability or anxiety, chain smoking, weight loss, hyperactivity.	Fatigue leading to exhaustion and depression, paranoia, confusion, possibly hallucinations.

DRUG	PHYSICAL SYMPTOMS	LOOK FOR	DANGERS
<p>SEVEN POSSIBLE SYMPTOMS OF DRUG INVOLVEMENT:</p> <ol style="list-style-type: none"> 1. Change in school or work attendance or performance. 2. Alteration of personal appearance. 3. Mood swings or attitude changes. 4. Withdrawal from responsibility/family contacts. 5. Association with drug-using persons. 6. Unusual patterns of behavior. 7. Defensive attitude concerning drugs. 			

IV. ALCOHOL AND DRUG TESTING PROCEDURES

DRUG TESTING PROCEDURES FOR APPLICANTS

Nevada Revised Statutes require post-offer/pre-employment testing of applicants for positions designated by the Personnel Commission as affecting public safety.

- 1) The approved positions (Appendix II) are identified in the State of Nevada Classification and Compensation Plan. Only applicants receiving a job offer are tested.
- 2) Notice covering the provisions of NRS 284.4066 (Appendix IV) must be given to an applicant at or before the time of application.
- 3) If the applicant is already employed by the State in a safety sensitive position and applies for another safety sensitive position, he is not required to submit to another pre-employment drug test (NAC 284.886).
- 4) Written consent by the applicant is required before any test is conducted (TS-76, Appendix III). The original consent form is retained by the agency, a copy is given to the applicant, and a copy is included with the drug testing form and delivered to the collection site at the time of the collection.
- 5) Tests should be scheduled at one of the collection site locations listed in Appendix I. The employer section of the drug testing form (Appendix III) must be completed. There will be a preprinted drug test selection check box that provides for the negotiated drug screens from the vendor. Other drug test options may be requested, but the drug and/or type of test must be specified on the form. Drug tests not covered by contract will be at additional cost. Test results will be available on line or may be faxed to the appointing authority or the designated drug testing contact person for receipt of results (see sample on page 14) typically within 2 working days. If the test results are not received within three working days, the appointing authority or the designee authorized for receipt of test results may contact the States drug-testing vendor. The applicant should be given the drug testing form in a sealed envelope to be delivered to the collection site at the time of his appointment.
- 6) If an applicant tests positive for a controlled substance, the Medical Review Officer will request proof from the applicant that the controlled substance was taken pursuant to a lawful prescription. An appointing authority shall not hire an applicant unless he provides proof within 72 hours of the request that the controlled substance was taken as directed pursuant to a current and lawful prescription issued in his name (NRS 284.4066).
- 7) If a screening test indicates the presence of a controlled substance, the Medical Review Officer or the appointing authority shall advise the person who was tested and provide the person with an opportunity to have the same sample tested at his expense by a certified laboratory of his choice (NRS 284.4067).

- 8) The results of the screening tests are confidential and must be securely maintained by the appointing authority or his designated representative and must not be disclosed to anyone, except as provided in NRS 284.4068.
- 9) Employment is contingent on passing the screening test.

Insert Flow Chart for Drug Testing Applicants

ALCOHOL AND DRUG TESTING PROCEDURES FOR EMPLOYEES

Employees may be subject to reasonable suspicion drug and alcohol testing. The agency appointing authority and/or their designee will determine/approve the need for reasonable suspicion alcohol and drug testing of employees based on observable facts, including, but not limited to:

- 1) Abnormal conduct or erratic behavior by the employee that is not otherwise normally explainable.
- 2) The odor of alcohol or marijuana on the breath or clothing of the employee.
- 3) A sudden decline in job performance that is not otherwise normally explainable;
- 4) Observation of the employee consuming alcohol;
- 5) Threatening violence at work;
- 6) Observation of the employee possessing a controlled substance or using a controlled substance that is reported by a credible source.

Employees are also subject to post accident/event testing where the employee causes:

- 1) More than \$2,500 worth of property damage.
- 2) Two property accidents within a 1-year period;
- 3) Bodily harm;

If the appointing authority or their designee have reasonable belief that an employee is impaired they should complete a "Report Form for Suspected Alcohol/Drug Impairment" (Appendix III). NRS 284.4065 requires a written record of the facts supporting a request to submit to a drug or alcohol test. Also, the employee must be informed of the specific facts supporting the request to submit to a reasonable suspicion drug and/or alcohol test. Using this form will satisfy those requirements. The guidelines on pages 3 and 4 identify some of the physical symptoms of drug use and what to look for when making an assessment of whether an employee is under the influence of alcohol or drugs.

NOTE: The supervisor may contact an Employee Assistance Program (EAP) coordinator for assistance with the evaluation of the facts supporting the decision to refer an employee for a screening test (see section VI).

The supervisor should complete an “Alcohol and Drug Testing Consent Form” indicating whether the employee will be tested for alcohol, drugs or both and have the employee sign the form (Appendix III). The original of the report form is retained by the agency, a copy is given to the employee, and one copy is delivered to the collection site handling controlled substance testing for inclusion with the test sample when it is referred for analysis. Pertinent information relevant to medication legally taken by the employee will be considered by the Medical Review Officer when assessing a positive test result.

If the employee refuses to sign the form or take the test:

- 1) The employee should be advised his refusal may result in his dismissal or in other disciplinary action.
- 2) If he still refuses to sign the form, a note to this effect should be placed on the consent form.
- 3) The supervisor and a witness should attest to the employee's refusal to sign the form.
- 4) Arrangements should then be made for the safe transportation of the employee to his home. The employee may elect to call a taxi, his spouse or a friend to transport him home.
- 5) If he insists on driving home, the supervisor should advise the employee of his intent to notify the Nevada Highway Patrol or other local law enforcement personnel of the potential for a DUI violation.

If the employee signs the form consenting to the test, it is the appointing authority's responsibility to transport the employee to the collection site (NAC 284.890) for testing and to his home following the test. The Highway Patrol will assist with transportation at the request of the appointing authority. You can contact the Highway Patrol by calling the Region Commander at the telephone number listed on the “Confirmatory Test Sites for Alcohol Testing” (Appendix I). If the Highway Patrol is called to assist with the transportation, every attempt should be made to keep the matter confidential between the employee and the employer. To avoid the disruption and preserve the confidentiality of the employee in the workplace, you may choose to meet the Highway Patrol Trooper at an offsite location.

In addition to providing assistance with transportation as noted above, the Highway Patrol will conduct a breath test for alcohol on site. If the person tests positive for alcohol the Highway Patrol will take the employee and supervisor to one of the confirmatory test sites listed in Appendix I. This should be discussed with the Highway Patrol at the time they are notified.

The supervisor of the employee must accompany the employee when the employee is tested for alcohol and/or a controlled substance. The supervisor is responsible for taking a copy of the Nevada breath test for alcohol form to the Highway Patrol Officer to record the results of the breath test for alcohol, and blank copies of the required drug test forms when a screening test for a controlled substance is requested (see Appendix III).

If possible, tests should be scheduled at the laboratory locations listed in Appendix I and by filling out the appropriate areas of the required drug test forms (Appendix III). If you are located in a rural area of the State, check with the local medical providers and find out who is qualified to handle the collection of samples for drug testing and work with the State's drug testing vendor in those situations. Check the preprinted box under drug tests to be performed. Additional tests for substances not tested for under the contract or a request for a blood test are at additional cost to the requesting Agency.

The appointing authority may place an employee on administrative leave with pay pending receipt of the results of a screening test (NRS 284.4065).

If an employee tests positive for a controlled substance, the Medical Review Officer will request proof from the employee that he is taking the controlled substance pursuant to a current and lawful prescription issued in his name. An employee who fails a drug test has 72 hours to provide proof for the legally prescribed use of the substance, or be subject to disciplinary action (NRS 284.4063).

The appointing authority or their designee shall provide the written results of the screening test to the employee within 3 working days after receipt of the results (NRS 284.4065).

Insert flow chart for Alcohol/Drug Testing Employees

IV. WORKING WITH THE STATE'S DRUG TESTING VENDOR

General Information

The State of Nevada has a contract with Quest Diagnostics to provide services necessary to implement this drug testing program. Quest Diagnostics has been provided a list of departments and the name of the person or persons designated to receive test results and billings for each department. This is the department head unless we have been otherwise notified. Any changes in designation may be made by writing directly to the Department of Personnel, Technical Services Division, 209 E. Musser St., Room 101, Carson City NV 89701, Attn: Alcohol and Drug Testing Program Coordinator.

"Forensic Drug Testing Custody and Control Forms" for requesting tests with pre-printed account information for individual departments and agencies are provided by Quest Diagnostics. The "Forensic Drug Testing Custody and Control Form" must be delivered to the collection site at the time of the screening as specified in the procedures for applicant and employee testing. If you have a question regarding the drug testing program and services provided by Quest, you may call:

Quest Customer Service at 1-800-877-7484

Quest also provides access to their web site at employersolutions.com. This web site has information and advice that can prove helpful if you find yourself dealing with a suspected or actual substance abuse issue.

Once the supervisor and/or appointing authority have decided to drug test an employee and utilize Quest's services, you should obtain an "Alcohol/Drug Consent Form" from your agency designated drug testing contact person and Quest's "Forensic Drug Testing Custody and Control Form" (appendix III),. The top section of the "Custody and Control Form" should be filled out by the employee being tested or by the supervisor requesting the test. The test center staff will fill out their sections of the form and collect the sample from the employee.

Quest's contract with the State of Nevada provides testing for the following substances through urinalysis. The cost for this test is \$34.75 and includes the services of a Medical Review Officer for positive results on drug tests.

Substance Abuse Panel

Amphetamines
Cocaine Metabolites
Marijuana Metabolites
Opiates
Phencyclidine

Integrity Checks

Creatinine
Nitrites
pH

All positive test results will be sent to a Medical Review Officer. The Medical Review Officer will contact the person and allow them the opportunity to explain the results of their test. Example: An employee may be taking codeine for pain relief and taking the medicine in compliance with a legitimate/lawful prescription from their treating physician in which case the employee has not violated this policy, and you would not be notified of the results of that test. The State of Nevada will use the services of Joseph W. Johnson M.D. at MRO West in Henderson, Nevada. The phone number is (702) 564-5127.

Tests may be scheduled at the collection sites for controlled substance locations noted in Appendix I and by completing a "Forensic Drug Testing Custody and Control Form" (Appendix III). Check the preprinted selection that begins with 35105N, this is a request for a five panel urinalysis test. If you request additional drug tests there will be additional charges to the Agency. The supervisor accompanying the employee is responsible for delivering the drug request form to the laboratory.

Test results may be accessed online by the appointing authority or their designee. You will need to have a user name and password established with Quest Diagnostics before you can retrieve drug test results from their web site. Once you have your username and password set-up you can access drug test results by going to:

- www.questdiagnostics.com.
- Scroll down to "On Line Services" (left side of the screen)
- Click on "Order Tests and View Results". This will take you to a page that has "Care 360" at the top.
- Click on "Login to Lab Orders and Results" (left side of screen)

The next page you will see requires you to enter your user name and password to proceed. Follow the prompts to access the information you need. If you would like, Quest will send you a "Quest on Demand User's Guide" via e-mail.

Negative test results should be available on line in 24 hours, positive test results in 48 hours. If you have questions or are unable to access the information contact Quest Customer Service at: 1-800-877-7484.

Alcohol testing will usually be conducted through State and local law enforcement agencies as described on page 2. However, if you wish to have your employee tested for alcohol and drugs at the same time by Quest, say after a vehicle accident, you may request an alcohol test at the test site at an additional fee of \$20.00. If you are able to utilize State or local law enforcement agency staff and equipment for alcohol testing, there is no charge.

Insert Laboratory Report from Quest Diagnostics

V. EMPLOYEE ASSISTANCE PROGRAM

General Information

The State of Nevada Employee Assistance Program provides professional counseling and consultation services to employees, supervisors, and agencies in dealing with personal concerns and workplace problems including substance abuse concerns and grief counseling or debriefing after a death or other traumatic event in the workplace.

For more information or to schedule a consultation, contact the EAP Coordinator in Northern Nevada at (775) 687-3869 or (800) 398-3271 (rural areas), or the EAP Coordinator in Southern Nevada at (702) 486-2929 or (800) 278-1889 (rural areas).

Types of Voluntary Referrals

There are three types of voluntary referrals to the EAP:

- 1) Self-Referral. The employee calls the EAP Coordinator and schedules an appointment to discuss a personal concern or workplace problem.
- 2) Informal Management Referral. A supervisor who is counseling an employee about work performance problems may suggest that the employee seek assistance from the EAP before the employee's performance requires disciplinary action.
- 3) Official Management Referral. The supervisor consults with the EAP Coordinator regarding an employee's work performance problems and schedules an appointment for the employee. (Note: This is the only time that the Supervisor schedules an employee's appointment.)

Making an Official Referral to the EAP

- 1) Supervisor calls or makes an appointment to consult in-person with the EAP Coordinator regarding the employee's work performance problems and/or reasonable suspicion alcohol or drug use concerns;
- 2) After discussing the employee's work performance problems and strategies already used to assist the employee, the supervisor and the EAP Coordinator schedule an appointment for the employee;
- 3) Supervisor and EAP Coordinator discuss the preparation of the official referral memo to the employee, which does not represent disciplinary actions, but discusses only the reasons for referral and information regarding the time, date, and location of the appointment, and confidentiality of information;

- 4) Supervisor sends original memo to employee and copy to EAP (Note: EAP Coordinator must receive memo prior to employee's official referral appointment);
- 5) Supervisor meets privately with employee to present the official referral memo and to discuss the expectations of and plan for improving work performance; and
- 6) EAP Coordinator notifies supervisor of the employee's attendance or non-attendance at the appointment. No other information can be released without the employee's written permission.

Required Appointments

All appointments with the EAP Coordinator are voluntary, except for several circumstances detailed in NAC 284.653 (Appendix IV).

APPENDIX I

Collection Sites for Controlled Substance Testing Confirmatory Test Sites for Alcohol Testing

Collection Sites for Controlled Substance Testing

Quest Diagnostics provides sample collection services for drug and alcohol testing through a nationwide network of sites. It is important to obtain services from either a Quest Diagnostics lab or one of their Partner or Third Party sites in order to receive the contracted price. On the following pages, there is a list of collection sites and their designation:

- (S) Quest
- (P) Partner
- (O) Third Party

Additionally, you may access the most current test site locations by visiting Quest Diagnostics' web site and following the procedure listed below.

www.questdiagnostics.com

- Click on "Find a Quest Diagnostics Location (left side of screen)
- This will bring up "Patient Services Centers"
- Click on "Drug Screen Collection (same page)
- Go to "Proximity Search" and fill in the required information (same page)
- Hit the "Search" button

The radius search is preset to 15 miles. If a site does not appear after hitting the "Search" button you will need to increase the miles in your radius search. For most work locations, there will be a collection site nearby. If you have any questions regarding available collection sites, you may call Quest customer service at 1-800-877-7484.

Page 1 Collection Sites for Control Substance Testing

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Page 2 Colleton Sites for Control Substance Testing

Page 3 Collection Sites for Control Substance Testing

CONFIRMATORY TEST SITES FOR ALCOHOL TESTING (ONLY)
(State and Local Law Enforcement Jurisdictions)

The following is a list of breath machine locations available to State agencies:

Region I - Las Vegas

Southern Area Commander

Telephone # (702) 486-4100 (ext. 273 or 275 for non-emergency dispatch.)

Alamo -- Lincoln County Sheriff's Office
Amargosa/Lathrop Wells -- Nye County Sheriff's Office
Beatty -- Nye County Sheriff's Office
Boulder City -- Police Department
Goldfield -- Esmeralda County Sheriff's Office
Henderson -- Police Department
Henderson -- Jail
Las Vegas -- Clark County Detention Center
Las Vegas -- Las Vegas City Detention Center
Las Vegas -- Juvenile Court
Las Vegas -- Metropolitan Police Department
Laughlin -- Metro Substation
Mercury -- Test Site Security
Mesquite -- Police Department
Lake Mead -- National Park Service Ranger Station
Nellis Air Force Base (2)
Indian Springs -- Nevada Highway Patrol Office
North Las Vegas -- Police Department
Overton -- Metro Substation
Pahrump -- Nye County Sheriff's Office
Pioche -- Lincoln County Sheriff's Office
Searchlight -- Metro Substation
Tonopah -- Nye County Sheriff's Office
UNLV -- Police Department

Region II - Reno

Region Commander

Telephone # (775) 688-2500 (press 2 for non-emergency dispatcher)

Austin -- Lander County Sheriff's Office
Carson City -- Carson City Sheriff's Office
Fallon -- Churchill County Sheriff's Office
Fallon -- Police Department
Fallon -- Naval Air Station
Fernley -- Lyon County Sheriff's Office

Gabbs -- Nye County Sheriff's Office
Hawthorne -- Mineral County Sheriff's Office
Incline Village -- Washoe County Sheriff's Office
Lovelock -- Pershing County Sheriff's Office
Minden -- Douglas County Sheriff's Office
Reno -- Washoe County Sheriff's Office Jail
Schurz -- Walker River Tribal Police Department
Silver Springs -- Lyon County Sheriff's Office
Stateline -- Douglas County Sheriff's Office
Yerington -- Lyon County Sheriff's Office
Dayton -- Lyon County Sheriff's Office Gerlach -- Washoe County Sheriff's Office
Lockwood -- Storey County Sheriff's Office
Mina -- Mineral County Sheriff's Office

Region III - Elko

Region Commander

Telephone # (775) 753-1111 (rolls to dispatch after 5:00pm)

Battle Mountain -- Lander County Sheriff's Office
Carlin -- Police Department
Crescent Valley -- Eureka County Sheriff's Office
Elko -- Elko County Sheriff's Office Jail
Ely -- White Pine County Sheriff's Office
Eureka -- Eureka County Sheriff's Office
Jackpot -- Elko County Sheriff's Office
McDermitt -- Humboldt County Sheriff's Office
Wells -- Nevada Highway Patrol Office
Wendover -- Police Department
Winnemucca -- Humboldt County Sheriff's Office

APPENDIX II

State of Nevada Classes Approved for pre-employment Drug Testing (TS-128)

State of Nevada Classes Approved for Applicant Drug Testing (TS-128)

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State of Nevada Classes Approved for Applicant Drug Testing (TS-128)

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State of Nevada Classes Approved for Applicant Drug Testing (TS-128)

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Appendix III (Forms)

- Report Form for Suspected Alcohol/Drug Impairment (TS-77)
- Alcohol/Drug Test Consent Form (TS-76)
- Employee Breath Test for Alcohol (TS-69)
- Forensic Drug Testing Custody and Control Form

Report Form for Suspected Alcohol/Drug Impairment
TS-77 Form
Page 1

Report Form for Suspected Alcohol/Drug Impairment
TS-77 Form
Page 2

Alcohol/Drug Test Consent Form
TS-76
Page 1

Employee Breath Test for Alcohol
TS-69
Page 1

Forensic Drug Testing Custody and Control Form

Appendix IV (Related NRS & NAC)

Nevada Revised Statutes

NRS 284.406 Policy concerning use of alcohol or drugs by state employees. It is the policy of this state to ensure that its employees do not:

1. Report for work in an impaired condition resulting from the use of alcohol or drugs;
2. Consume alcohol while on duty; or
3. Unlawfully possess or consume any drugs while on duty, at a work site or on state property.

(Added to NRS by 1991, 1348)

NRS 284.4061 Definitions. As used in NRS 284.406 to 284.407, inclusive, unless the context otherwise requires:

1. "Employee" means a person in the classified or unclassified service of the State.
2. "Screening test" means a test of a person's:
 - (a) Breath or blood to detect the general presence of alcohol; or
 - (b) Urine to detect the general presence of a controlled substance or any other drug, which could impair that person's ability to perform the duties of employment safely and efficiently.

(Added to NRS by 1991, 1348; A 1993, 2252; 2001, 1441)

NRS 284.4062 Employee who consumes or is under the influence of alcohol or drugs or who possesses controlled substance on duty is subject to disciplinary action; state agency required to refer certain employees to employee assistance program.

1. Except as otherwise provided in subsection 3, an employee who:
 - (a) Consumes or is under the influence of alcohol while on duty, unless the alcohol is an integral part of a commonly recognized medication which the employee consumes pursuant to the manufacturer's instructions or in accordance with a lawfully issued prescription;
 - (b) Possesses, consumes or is under the influence of a controlled substance while on duty, at a work site or on state property, except in accordance with a lawfully issued prescription; or
 - (c) Consumes or is under the influence of any other drug which could interfere with the safe and efficient performance of his duties, unless the drug is an integral part of a commonly recognized medication which the employee consumes pursuant to the manufacturer's instructions or in accordance with a lawfully issued prescription,is subject to disciplinary action. An appointing authority may summarily discharge an employee who, within a period of 5 years, commits a second act which would subject him to disciplinary action pursuant to this subsection.
2. A state agency shall refer an employee who:
 - (a) Tests positive for the first time in a screening test; and
 - (b) Has committed no other acts for which he is subject to termination during the course of conduct giving rise to the screening test, to an employee assistance program. An employee who fails to accept such a referral or fails to complete such a program successfully is subject to further disciplinary action.
3. Subsection 1 does not apply to:
 - (a) An employee who consumes alcohol in the course of his employment while hosting or attending a special event.

(b) A peace officer who possesses a controlled substance or consumes alcohol within the scope of his duties.

(Added to NRS by 1991, 1348; A 1995, 1714)

NRS 284.4063 Grounds for disciplinary action: Failure to notify supervisor after consuming certain drugs; failure or refusal to submit to screening test; failure of screening test. Except as otherwise provided in subsection 5 of NRS 284.4065, an employee who:

1. Fails to notify his supervisor as soon as possible after consuming any drug which could interfere with the safe and efficient performance of his duties;

2. Fails or refuses to submit to a screening test as requested by a state agency pursuant to subsection 1 or 2 of NRS 284.4065; or

3. After taking a screening test which indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his appointing authority, that he had taken the controlled substance as directed pursuant to a current and lawful prescription issued in his name, is subject to disciplinary action.

(Added to NRS by 1991, 1349; A 1993, 2252)

NRS 284.4064 Appointing authority authorized to require employee who has consumed drug to obtain clearance from physician; inquiry regarding use of alcohol or drug by employee; preventing employee from continuing work.

1. If an employee informs his appointing authority that he has consumed any drug which could interfere with the safe and efficient performance of his duties, the appointing authority may require the employee to obtain clearance from his physician before he continues to work.

2. If an appointing authority reasonably believes, based upon objective facts, that an employee's ability to perform his duties safely and efficiently:

(a) May be impaired by the consumption of alcohol or other drugs, it may ask the employee whether he has consumed any alcohol or other drugs and, if so:

(1) The amount and types of alcohol or other drugs consumed and the time of consumption; and

(2) If a controlled substance was consumed, the name of the person who prescribed its use.

(b) Is impaired by the consumption of alcohol or other drugs, it shall prevent the employee from continuing work and transport him or cause him to be transported safely away from his place of employment in accordance with regulations adopted by the Commission.

(Added to NRS by 1991, 1349; A 2003, 1449)

NRS 284.4065 Screening tests: General provisions.

1. Except as otherwise provided in subsection 2, an appointing authority may request an employee to submit to a screening test only if the appointing authority:

(a) Reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs which are impairing his ability to perform his duties safely and efficiently;

(b) Informs the employee of the specific facts supporting its belief pursuant to paragraph (a), and prepares a written record of those facts; and

(c) Informs the employee in writing:

(1) Of whether the test will be for alcohol or drugs, or both;

(2) That the results of the test are not admissible in any criminal proceeding against him; and

(3) That he may refuse the test, but that his refusal may result in his dismissal or in other disciplinary action being taken against him.

2. An appointing authority may request an employee to submit to a screening test if the employee:

(a) Is a law enforcement officer and, during the performance of his duties, he discharges a firearm, other than by accident; or

(b) During the performance of his duties, drives a motor vehicle in such a manner as to cause bodily injury to himself or another person or substantial damage to property. For the purposes of this subsection, the Commission shall, by regulation, define the term “substantial damage to property.”

3. An appointing authority may place an employee who submits to a screening test on administrative leave with pay until the appointing authority receives the results of the test.

4. An appointing authority shall:

(a) Within a reasonable time after an employee submits to a screening test to detect the general presence of a controlled substance or any other drug, allow the employee to obtain at his expense an independent test of his urine or blood from a laboratory of his choice which is certified by the Department of Health and Human Services.

(b) Within a reasonable time after an employee submits to a screening test to detect the general presence of alcohol, allow the employee to obtain at his expense an independent test of his blood from a laboratory of his choice.

(c) Provide the employee with the written results of his screening test within 3 working days after it receives those results.

5. An employee is not subject to disciplinary action for testing positive in a screening test or refusing to submit to a screening test if the appointing authority fails to comply with the provisions of this section.

6. An appointing authority shall not use a screening test to harass an employee.

(Added to NRS by 1991, 1350; A 1993, 2253; 1997, 1606; 2003, 1450)

NRS 284.4066 Screening tests: Applicants for positions affecting public safety required to take screening test; appointing authority authorized to consider results; provision of results to applicant upon request.

1. Each appointing authority shall, subject to the approval of the Commission, determine whether each of its positions of employment affects the public safety. The appointing authority shall not hire an applicant for such a position unless he submits to a screening test to detect the general presence of a controlled substance. Notice of the provisions of this section must be given to each applicant for such a position at or before the time of application.

2. An appointing authority may consider the results of a screening test in determining whether to employ an applicant. If those results indicate the presence of a controlled substance, the appointing authority shall not hire the applicant unless he provides, within 72 hours after being requested by the appointing authority, proof that he had taken the controlled substance as directed pursuant to a current and lawful prescription issued in his name.

3. An appointing authority shall, at the request of an applicant, provide him with the results of his screening test.

(Added to NRS by 1991, 1350; A 1993, 2254; 2003, 1450)

NRS 284.4067 Screening tests: Requirements for administration; use; results.

1. A screening test:

(a) To detect the general presence of a controlled substance or any other drug, must be conducted by an independent laboratory that is certified by the Department of Health and Human Services.

(b) To detect the general presence of alcohol or of a controlled substance or any other drug, must be administered in such a manner as to protect the person tested from any unnecessary embarrassment.

2. Except as otherwise provided in subsection 3, a sample of urine provided for use in a screening test must not be used for any test or purpose without the prior written consent of the person providing the sample. The appointing authority shall ensure that the person retains possession and control of his sample until it is appropriately tagged and sealed with tamper-proof tape.

3. If the results of a screening test indicate the presence of any drug which could impair the ability of a person to perform the duties of employment safely and efficiently:

(a) The laboratory shall conduct another test of the same sample of urine to ascertain the specific substances and concentration of those substances in the sample; and

(b) The appointing authority shall provide the person tested with an opportunity to have the same sample tested at his expense by a laboratory of his choice certified by the Department of Health and Human Services.

(Added to NRS by 1991, 1351; A 1993, 2254; 1997, 1607)

NRS 284.4068 Screening tests: Results confidential; admissibility of results; security; disclosure. The results of a screening test taken pursuant to NRS 284.4061 to 284.407, inclusive, are confidential and:

1. Are not admissible in a criminal proceeding against the person tested;

2. Must be securely maintained by the appointing authority or his designated representative separately from other files concerning personnel; and

3. Must not be disclosed to any person, except:

(a) Upon the written consent of the person tested;

(b) As required by medical personnel for the diagnosis or treatment of the person tested, if he is physically unable to give his consent to the disclosure;

(c) As required pursuant to a properly issued subpoena;

(d) When relevant in a formal dispute between the appointing authority and the person tested;

or

(e) As required for the administration of a plan of benefits for employees.

(Added to NRS by 1991, 1351)

NRS 284.4069 Training for supervisors. The Department shall provide training in the provisions of NRS 284.4061 to 284.407, inclusive, to employees of appointing authorities whose duties include the supervision of other employees.

(Added to NRS by 1991, 1351)

NRS 284.407 Regulations. The Commission shall adopt such regulations as are necessary to carry out the purposes of NRS 284.406 to 284.4069, inclusive.

(Added to NRS by 1991, 1352; A 2003, 1451)

Nevada Administrative Code

NAC 284.880 Definitions. (NRS 284.065, 284.155, 284.407) As used in NAC 284.880 to 284.894, inclusive, unless the context otherwise requires:

1. "Employee" has the meaning ascribed to it in subsection 1 of NRS 284.4061.
 2. "Screening test" has the meaning ascribed to it in subsection 2 of NRS 284.4061.
- (Added to NAC by Dep't of Personnel, eff. 12-26-91)

NAC 284.882 Administration of screening tests. (NRS 284.065, 284.155, 284.407) A screening test to detect the general presence of:

1. A controlled substance must comply with the standards and procedures established by the Department of Health and Human Services which are hereby adopted by reference. A copy of the standards and procedures is available, without charge, from the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention, Division of Workplace, 5600 Fishers Lane, Parklawn Building, 13A-54, Rockville, Maryland 20857.

2. Alcohol by testing a person's breath must be conducted by an operator certified in accordance with NAC 484.640 using a breath-testing device certified in accordance with NRS 484.3882 and NAC 484.660.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A 10-27-97; R082-00, 8-2-2000)

NAC 284.884 Maximum allowable concentrations of alcohol in blood or breath of employee; confirmation of positive result on screening test of breath. (NRS 284.065, 284.155, 284.407)

1. An employee must not have a concentration of alcohol in his blood or breath greater than .01 gram by weight of alcohol per 100 milliliters of his blood or per 210 liters of his breath while on duty. Disciplinary action may be taken by the appointing authority in accordance with the provisions of NAC 284.638 to 284.656, inclusive, if a screening test indicates that the concentration of alcohol in the blood or breath of the employee is greater than .01 gram by weight of alcohol per 100 milliliters of his blood or per 210 liters of his breath while on duty.

2. A positive result on a screening test of a person's breath must be confirmed by a second screening test. The second screening test must be conducted immediately after receipt of the positive result of the first screening test.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A by R058-01, 9-6-2001)

NAC 284.886 Screening test for controlled substance required of applicant for position affecting public safety; exception. (NRS 284.065, 284.155, 284.407)

1. Except as otherwise provided in this section, an applicant for a position that is designated by the Personnel Commission as affecting public safety must submit to a screening test to detect the general presence of a controlled substance unless he is employed by the State in a position that is also designated as affecting public safety at the time he applies.

2. A person who has been laid off from a position affecting public safety and who is reemployed in a class affecting public safety within 1 year after the date he was laid off is not required to submit to a screening test pursuant to this section.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A 3-23-94)

NAC 284.888 Request for employee to submit to screening test: Interpretation of grounds; completion of required form. (NRS 284.065, 284.155, 284.407)

1. Objective facts upon which an appointing authority may base a reasonable belief that an employee is under the influence of alcohol or drugs which impair the ability of the employee to perform his duties safely and efficiently include, but are not limited to:

- (a) The operation of a motor vehicle by the employee in any manner that causes bodily harm;
- (b) Abnormal conduct or erratic behavior by the employee that is not otherwise normally explainable;
- (c) The odor of the breath of the employee and a decline in job performance that is not otherwise normally explainable;
- (d) Observation of the employee consuming alcohol and a resulting decline in job performance that is not otherwise normally explainable; or
- (e) Observation of the employee possessing a controlled substance or using a controlled substance that is reported by a credible source.

2. Pursuant to subsection 2 of NRS 284.4065, "substantial damage to property" includes, but is not limited to:

- (a) The operation of a motor vehicle in such a manner as to cause more than \$2,500 worth of property damage; or
- (b) The operation of a motor vehicle in such a manner as to cause two property accidents within a 1-year period.

3. Before requiring an employee to submit to a screening test, a supervisor must complete a form provided by the Department of Personnel.

(Added to NAC by Dep't of Personnel, eff. 12-26-91)

NAC 284.890 Transportation of employee to and from location of screening test. (NRS 284.065, 284.155, 284.407) If an employee is required to submit to a screening test, the appointing authority shall provide transportation for the employee to the location of the test. After the employee submits to the screening test, the appointing authority shall provide transportation for the employee to his home.

(Added to NAC by Dep't of Personnel, eff. 12-26-91)

NAC 284.892 Duties of employee who is referred to employee assistance program. (NRS 284.065, 284.155, 284.407)

1. If an employee is referred to an employee assistance program as a result of a positive result on a screening test or pursuant to NAC 284.653, he shall provide to the appointing authority:

- (a) Evidence of his consultation with a counselor employed by an employee assistance program; and
- (b) Any recommendation of the counselor with respect to his rehabilitation, within 5 working days after the date of the initial consultation.

2. The employee shall provide to the appointing authority on a monthly basis all recommendations of the counselor with respect to his rehabilitation.

3. The employee shall provide to the appointing authority evidence of his completion of any rehabilitation program recommended by the counselor within 5 working days after his completion of the program.

4. An employee who fails to provide evidence of his consultation with a counselor or successful completion of a rehabilitation program is subject to disciplinary action.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A 11-12-93)

NAC 284.894 Treatment of applicant who tests positive; treatment of employee who tests positive twice within 5-year period. (NRS 284.065, 284.155, 284.407)

1. An applicant who tests positive for the use of a controlled substance must not be considered by an appointing authority for employment in any position which requires such testing until:

(a) One year has passed from the time of the positive test; or

(b) The applicant provides evidence that he has successfully completed a rehabilitation program for substance abuse.

2. An employee who tests positive for the use of a controlled substance or alcohol for the second time within a 5-year period is subject to disciplinary action by the appointing authority and may be terminated at the discretion of the appointing authority.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A 7-1-94)

program recommended by the evaluation. If he fails to complete the program, he must be dismissed.

3. Pursuant to NRS 193.105, an employee who is convicted of violating any state or federal law prohibiting the sale of a controlled substance must be dismissed.

4. An employee must report a conviction of any offense described in this section to his appointing authority within 5 working days after it occurs. If he fails to make that report, he must be dismissed.

(Added to NAC by Dep't of Personnel, eff. 7-22-87; A 4-20-90; 3-27-92)

NAC 284.653 Driving under the influence; unlawful acts involving controlled substance. (NRS 284.065, 284.155, 284.383, 284.385, 284.407)

1. An employee who is convicted of driving under the influence in violation of NRS 484.379 or of any other offense for which driving under the influence is an element of the offense, and the offense occurred while he was driving a state vehicle, or a privately owned vehicle on state business, or who is convicted of the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance at his place of work or on state business, is subject to the following disciplinary action as determined by the appointing authority:

(a) For the first offense:

(1) Dismissal;

(2) Demotion, if permitted by the organizational structure of the agency for which he is employed;

(3) Suspension for 30 calendar days; or

(4) Suspension for 30 calendar days and demotion.

(b) For the second offense within 5 years, dismissal.

2. An employee who is suspended or demoted pursuant to subsection 1 must agree to be evaluated through the Employee Assistance Program and must complete any rehabilitation

program recommended by the evaluation. If he fails to complete the program, he must be dismissed.

3. Pursuant to NRS 193.105, an employee who is convicted of violating any state or federal law prohibiting the sale of a controlled substance must be dismissed.

4. An employee must report a conviction of any offense described in this section to his appointing authority within 5 working days after it occurs. If he fails to make that report, he must be dismissed.

(Added to NAC by Dep't of Personnel, eff. 7-22-87; A 4-20-90; 3-27-92)

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